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SUBJECT: UNGA: UNSC REFORM: INTERGOVERNMENTAL NEGOTIATIONS
ON SIZE OF AN ENLARGED COUNCIL AND UNSC WORKING METHODS

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[1](#)1. (SBU) Summary: The informal plenary of the General Assembly met April 7 and 8 for intergovernmental negotiations on Security Council expansion focusing on the size of an enlarged Council and the Council's working methods. 81 delegations spoke with growing agreement across the three major blocs on an enlarged Council of 25 to 27 members. The U.S. statement voiced concern that a Council of that size would diminish its effectiveness and efficiency. A number of delegations challenged the idea that a Council of 26 would affect efficiency, and suggested that working methods reform was the best guarantee to ensure continued efficiency and effectiveness. There was a near unanimous call for further reform of Council working methods with many recognizing progress made to date. The Small Five States (S-5) continued to lead on this issue and introduced a paper with new "elements for consideration." Most delegations acknowledge that Council working methods reform must be done in tandem with the Council and little progress can be made alone in the General Assembly. However, the Philippines argued for specific Charter amendments on working methods. The U.S. statement noted our openness to a constant review of working methods but underscored that Council working methods are a matter for the Council to determine, given its status as a principle organ under the UN Charter and its Charter mandate to adopt its own rules of procedure. End summary.

[1](#)2. (SBU) Comment: While the proposals for enlargement of the Council differ significantly, there was a growing chorus among the major blocs on the approximate size of an enlarged Council. As a result, USUN judged that we had to respond and note our concern that a Council of 25-27 would diminish its effectiveness and efficiency. The next intergovernmental negotiating session will be April 20 on the "relationship between the Council and the General Assembly." It will provide another opportunity to underscore that the Council and the Assembly are both principle organs of the UN. Afterwards, the chair will decide how to set up the next round of intergovernmental negotiations. Several delegations continued their call for the Chair to provide a "composite text" for the next round. According to the President of the General Assembly's Security Council reform expert, when those delegations are pressed to define a "composite text," they are unable to clarify what exactly they are seeking. USUN has suggested privately that the Chair offer a summary text

that does not draw conclusions but which could highlight the critical areas of division for focus during the next round.
End comment.

13. (SBU) Intergovernmental negotiations on Security Council expansion continued on April 7 and 8 with meetings of the informal plenary on the fourth of five key issues -- "size of an enlarged Council and working methods of the Security Council." (Note: While several delegations had called for the two topics to be handled in separate meetings, they remained combined per UNGA Decision 62/557. End note.) 81 delegations spoke at least once during the two-day discussion, and six spoke again on the topic during the interactive portion in the final session. Afghan Perm Rep and Chairman of the Intergovernmental Negotiations Zahir Tanin circulated a letter to the membership on April 3, as he did before debate on the three previous issues (see reftels). (Note: USUN e-mailed a copy of the letter to IO/UNP. End note.)

Size of an enlarged Council:
focus on 25-27 members

14. (SBU) A number of speakers drew attention to the fact that the enlargement proposals of the three main groups all focus on a Council of 25 to 27 members. The Group of Four (G4) members proposed an expanded Council of 25 with 10 new members -- six permanent members (India, Germany, Brazil, Japan, and two African members) plus four non-permanent members (one each for Africa, Asia, Eastern Europe, and Latin America/Caribbean). The Japanese Perm Rep, while in

agreement with 25, did stress the need for a "relatively compact" Council with a balance between "representativeness and effectiveness." Most Uniting for Consensus (UFC) members called for an expanded Council of 25 to 27 members with 10-12 new non-permanent members. Canada stated that an expanded Council of more than 25 members would not be effective. The African Group called for an expanded Council of 26 members with 11 new members -- essentially the G4 proposal with an additional non-permanent seat for an African state. A few African states, like Egypt, even suggested a larger Council to respond to the needs of small island and developing states.

15. (SBU) The Slovenian Perm Rep reiterated her proposal to expand the Council to 25 seats with six new permanent members, a group of 12 non-permanent members who would have more frequent rotation (only six of which would be on the Council at any one time), plus eight regular non-permanent members. The Czech Republic Perm Rep voiced support for a Council of 25 with six new permanent members (G4 proposal) and four non-permanent members (including one for Eastern Europe). The Cuban Perm Rep called for an expanded Council of no less than 25 to 26 members with six new permanent members, including two from Africa and two from Latin America/Caribbean. The Philippines Perm Rep called for an expanded Council of 31 seats with 16 new members (eight new permanent and eight new non-permanent members with both categories having the same distribution: two seats each for Africa, Asia, and Latin America/Caribbean, and one seat each for Eastern Europe and Western Europe). Many of the CARICOM countries voiced support for an expanded Council in the 25-26 member range.

African states argue there is no reason
why efficiency should be impeded at 26

16. (SBU) In line with their robust participation at previous meetings, 17 African states took the floor to strongly advocate for an expanded Council of 26 members, particularly to correct "the historic injustice of Africa's under-representation." A number of delegations justified an expansion to 26 by citing that it would return the proportionality ratio of Council members to the general

membership to the 1965 ratio when the Council was last expanded. The Sierra Leone Perm Rep, again spoke on behalf of the African Group, and said that there is no evidence that a Security Council of 21 would be more efficient and effective than a Council of 26. The Zambian Perm Rep argued, "Size per se is, therefore, not a sine qua non for efficiency." Many argued that reform of working methods would be a better guarantee of future efficiency and effectiveness. The South African representative said that expansion in only the non-permanent category will not address the needed redistribution of balance of power for which fundamental reform calls.

U.S. voices concern that Council
of that size would be "unwieldy"

¶17. (SBU) In all, about 48 countries signaled a strong preference for an expanded Council of 25 to 27 members. In response, Pol MinCouns noted in the U.S. statement, which was delivered at the end of the session, that the numbers for the size of an enlarged Council that had been proposed by many delegations "would result in an unwieldy Council that would diminish its effectiveness and efficiency." He also noted the need to bear in mind the Charter requirements for ratification when considering a formula for Council expansion.

¶18. (SBU) The St. Vincent and the Grenadines Perm Rep responded to the U.S. statement in the interactive portion. He said there were "two red herrings" being suggested -- efficiency and ratification -- and the real issue is Council legitimacy. He suggested that non-Council members chose not to attend Council public meetings because they question the Council's current legitimacy and there needs to be "greater buy-in." He also said that the reform process should be led

by the by the membership and not by the P-5.

Several other delegations also suggest
caution at Council larger than low 20s

¶19. (SBU) The Belgian Perm Rep, citing Belgium's recent Security Council participation, said Belgium is in favor of a more representative Council but enlargement should be limited to approximately 20 members. Russia said that any enlargement should not exceed the low twenties. The Australian Perm Rep advocated an expansion in the range of 21 to 25 but expressed a strong preference for the lower end of that range and added that an odd number of members is preferable. The Guatemalan representative suggested either a minimum expansion of one per regional group (five additional members) or a maximum of nine additional members, if both categories are expanded.

¶10. (SBU) Both France and the UK voiced support for an expansion of both categories and for the G-4's permanent seat aspirations, implying an increase closer to the mid-twenties than the low-twenties. China commented that the size of an enlarged Security Council should be "large enough to redress under-representation, especially for Africa, and accommodate the concerns of small countries. The Republic of Korea Perm Rep took a slightly different position from many of his UFC colleagues and said that the size of an enlarged Council cannot be determined at random and in advance. As intergovernmental negotiations proceed, he said, the best size would be determined.

Working Methods: near unanimous
call for further reform

¶11. (SBU) Delegations devoted approximately 75 percent of their remarks to Security Council working methods. (Note: Only seven out of 81 delegations did not comment on working

methods. End note.) The Swiss Perm Rep, speaking first for the Small Five States (S-5 includes Switzerland, Costa Rica, Jordan, Liechtenstein, and Singapore), said that while only a few countries would directly benefit from an enlargement of the Security Council, all member states, particularly small states, would profit from improved working methods. He said the S-5 would continue to engage on substantive working methods improvements and would press for inclusion of strong language on working methods in a comprehensive resolution on Council reform. The Costa Rican representative, also an S-5 member, later noted that reform on working methods should be independent of progress on other areas of Council reform. The German Perm Rep, while encouraging working methods reform, said it should not be at the expense of Council enlargement. The Belgian Perm Rep said that working methods reform should be independent of Security Council reform since they do not need to involve Charter amendments.

S-5 continue to lead on
revision of working methods

¶12. (SBU) The S-5 have historically led the UN membership in advocating for the reform of Council working methods. The Swiss Perm Rep introduced an S-5 paper with new "elements for consideration ... complimentary to previous efforts." He referred to the S-5's draft resolution A/60/L.49 of 2006 on improving Council working methods which the Security Council responded to with the adoption of its Presidential Note S/2006/507 but said the implementation and application of the measures contained in this document had been "selective and inconsistent." He highlighted the Council's Open Debate on working methods in August 2008 as a "milestone for our interaction with the Council," but said further engagement is necessary. The S-5 paper provides specific recommendations under each of the following topics: (1) transparency and access; (2) efficiency and implementation; (3) rule of law; (4) use of the veto; (5) peacekeeping operations; (6) accountability and relationship with the GA; and (7) relationship with regional arrangements and agencies. (Note: USUN e-mailed the S-5 paper to IO/UNP. End note.)

¶13. (SBU) While 18 non-S-5 delegations specifically cited the S-5's work and voiced support for their past and current proposals, there were steady refrains from delegations for increased transparency, efficiency, and effectiveness in the Council's working methods. Many called for greater "institutionalization" of the improvements proposed in Security Council Presidential Note S/2006/507. For example, a broad swath of the membership (Germany, Japan, the Czech Republic, Morocco, Canada, India, the Republic of Korea, St. Lucia, Croatia, Mongolia, Australia, Ukraine, Indonesia) called for the Council to include concerned member states and troop and police contributing countries in Council sessions on changes to the mandates of peacekeeping operations. There were also calls for greater access by non-members to Council subsidiary bodies. Recent elected member Indonesia called for direct access to the Council for sanctioned states. Belarus suggested a new meeting format that would be closed to the press and NGOs but open to member states. (Comment: Both the Indonesian and Belarus proposals are already in practice by the Council. End comment.)

¶14. (SBU) While a large number of countries recognized the progress made to date by the Council on working methods, especially the increased number of open meetings, a number of countries still called for even more public meetings. Current elected Council member Turkey, for example, called for more public meetings; increased consultations with non-Council members and regional organizations; and greater interactions with all concerned parties, per Article 31 and 32 of the UN Charter. Japan, also currently serving on the Council, called for greater participation in public meetings; better sharing of information with concerned parties; more frequent and timely meetings; better communication between the Council and the GA, ECOSOC and regional bodies; and a

more substantive reports to the General Assembly.

Philippines argues for Charter
amendments on working methods

¶15. (SBU) While the S-5 and most delegations acknowledged the need to work with the Security Council to improve its working methods and that such reform required neither a resolution nor a Charter amendment, several delegations, including the Philippines and Nigeria, suggested the need to revise the Charter. The Philippines Perm Rep called for amendments to Articles 31 and 37 to make it mandatory for the Council to invite a member state which is not a member of the Council to participate, without a vote, in the discussions of any question brought before it whenever the interests of that member are especially and directly affected. In comparison, other delegations, including Brazil, called on the Council to implement Articles 31 and 32 and did not advocate for Charter amendments.

¶16. (SBU) The Philippines Perm Rep also suggested an amendment to Article 24 of the UN Charter requiring that the annual report of the Security Council to the General Assembly be in a format "that provides faithful substantive information" on the proceedings of the Council. (Note: Verbatim records of open Council meetings are available on the web-site, usually within 24 hours of the meeting. End note.) He also urged that Article 27 be amended to require that the negative vote of a permanent member be explained and communicated to the full membership of the UN. (Note: In the last five years, three permanent members have exercised their veto (U.S., Russia, and China), and all three have always provided an explanation of vote. Since voting is conducted in public meetings, verbatim records are available on the web-site. End comment.)

U.S. comments on Council working
methods: open to constant review

¶17. (SBU) In the U.S. statement, Pol MinCouns noted that the Council has shown the ability to respond and improve its working methods, such as through more open meetings, greater use of its web-site, and reviews of its mandate and seizures

list, and that the U.S. remains open to constant review of Council working methods. He suggested that the Council has one of the best track records of all of the UN's principal organs for showing the most flexibility reforming its working methods. He underlined that the Council's working methods are a matter for decision by the Council itself, not the General Assembly, as the Council is a principle organ under the UN Charter and takes seriously its Charter mandate in Article 30 to adopt its own rules of procedure. He replied to a number of comments by other delegations that the Council's rules of procedure are still labeled "provisional" after 63 years by noting that such a label has no negative impact on their legal standing and the U.S. considers them to be the "Council's prevailing and fully transparent rules of procedure."

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